KARL F. DEAN, MAYOR

DEPARTMENT OF FINANCE

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

December 3, 2009

Mr. Allen C. Madere Dillingham and Smith PO Box 110425 2311 Kline Avenue Nashville, TN 37222

Dear Mr. Madere:

This letter serves to confirm the receipt of your correspondence, dated November 30, 2009, formally protesting the intent to award of RFP 09-42, *Tier HVAC Contractors*. Specifically, it is understood to be a protest of the emergency service award and not the overall Tier Contract awards.

A formal hearing of the protest is scheduled for Wednesday, December 16, 2009 at 1:30 local time. It will be held in the Bill Whitson Training Room on the sixth floor of the 222 Building. This hearing will be communicated to all interested parties. At the hearing you will be provided an opportunity to address the claims that:

- (You) "do not feel that the evaluation process has been handled in a fair and equitable manner",
- "The final evaluation scenario included a 'Recovery Charge' which ... put (you) at a disadvantage (because you) submitted a nominal fee for 'Recovery Charge'",
- "The initial evaluation factors of "Experience", "Past Performance" and "Business Plan' were discarded in the final evaluation",

At the protest hearing all interested parties will be afforded the opportunity to speak to the issues related to this procurement. Your letter does not seek a specific remedy but it is inferred that it is the position of Dillingham and Smith that the award should be rescinded and awarded to your firm.

Please feel free to contact me at Jeff.Gossage@nashville.gov or (615) 862-6639 if you have any questions.

Sincerely,

Jeff L. Gossage C.P.M., CPPB

Assistant Finance Director & Purchasing Agent

Procurement & Contract Management

Cc: Mr. Mike Spore Solicitation File Department of Law

Procurement Division www.Nashville.gov

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